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|---|---|------------------------|----------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | | Application No. | 09/922,019 |
| | | Filing Date | August 2, 2001 |
| | | First Named Inventor | Jian Gu |
| | | Group Art Unit | 2631 |
| | | Examiner Name | Unknown |
| Total Number of Pages in This Submission | 5 | Attorney Docket Number | 5281P006 |

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| ENCLOSURES (check all that apply) | | |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment / Response | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Request for Refund | <div>Request for Withdrawal of Petition for Revival (Request for Refund) 2 pgs.</div> |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> CD, Number of CD(s) | |
| <input type="checkbox"/> PTO/SB/08 | | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | | |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | Remarks | |
| <input type="checkbox"/> Basic Filing Fee | | |
| <input type="checkbox"/> Declaration/POA | | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|--|
| Firm or Individual name | Roger W. Blakely, Jr., Reg. No. 25,831 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP |
| Signature | |
| Date | July 2, 2003 |

| CERTIFICATE OF MAILING/TRANSMISSION | | | |
|---|------------------|------|--------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. | | | |
| Typed or printed name | Maria N. Sausedo | | |
| Signature | | Date | July 2, 2003 |



FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known

Application Number 09/922,019
Filing Date August 2, 2001
First Named Inventor Jian Gu
Examiner Name Unknown
Group/Art Unit 2631
Attorney Docket No. 5281P006

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METHOD OF PAYMENT (check one)

- ☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account

Deposit Account Number 02-2666
Deposit Account Name Blakely, Sokoloff, Taylor & Zafman LLP

The Commissioner is authorized to: (check all that apply)

- ☐ Charge fee(s) indicated below ☒ Credit any overpayments
☐ Charge any additional fee(s) required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1001 | 750 | 2001 | 375 | Utility filing fee | |
| 1002 | 330 | 2002 | 165 | Design filing fee | |
| 1003 | 520 | 2003 | 260 | Plant filing fee | |
| 1004 | 750 | 2004 | 375 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |
| SUBTOTAL (1) | | | | | (\$) |

2. EXTRA CLAIM FEES

Total Claims 20 = X =
Independent Claims 3 = X =
Multiple Dependent =

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|---|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 | |
| 1201 | 84 | 2201 | 42 | Independent claims in excess of 3 | |
| 1203 | 280 | 2203 | 140 | Multiple Dependent claim, if not paid | |
| 1204 | 84 | 2204 | 42 | **Reissue independent claims over original patent | |
| 1205 | 18 | 2205 | 9 | **Reissue claims in excess of 20 and over original patent | |
| SUBTOTAL (2) | | | | | (\$) |

**or number previously paid, if greater, For Reissues, see below

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|---------------------------|----------|--------------|----------|--|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet. | |
| 2053 | 130 | 2053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 1804 | 920 * | 1804 | 920 * | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840 * | 1805 | 1,840 * | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 410 | 2252 | 205 | Extension for reply within second month | |
| 1253 | 930 | 2253 | 465 | Extension for reply within third month | |
| 1254 | 1,450 | 2254 | 725 | Extension for reply within fourth month | |
| 1255 | 1,970 | 2255 | 985 | Extension for reply within fifth month | |
| 1404 | 320 | 2401 | 160 | Notice of Appeal | |
| 1402 | 320 | 2402 | 160 | Filing a brief in support of an appeal | |
| 1403 | 280 | 2403 | 140 | Request for oral hearing | |
| 1451 | 1,510 | 2451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | |
| 1453 | 1,300 | 2453 | 650 | Petition to revive - unintentional | |
| 1501 | 1,300 | 2501 | 650 | Utility issue fee (or reissue) | |
| 1502 | 470 | 2502 | 235 | Design issue fee | |
| 1503 | 630 | 2503 | 315 | Plant issue fee | |
| 1460 | 130 | 2460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 750 | 1809 | 375 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 | 750 | 2810 | 375 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 1801 | 750 | 2801 | 375 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |
| Other fee (specify) _____ | | | | | |
| SUBTOTAL (3) | | | | | (\$) |

* Reduced by Basic Filing Fee Paid

SUBMITTED BY

Name (Print/Type) Roger W. Blakely, Jr.

Signature

Registration No. (Attorney/Agent)

25,831

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Date

07/02/03



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July 2, 2003

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OFFICE OF PETITIONS

Commissioner for Patents
M/S Petitions
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Patent Application No.: 09/922,019
Docket No.: 005281.P006
REQUEST FOR WITHDRAWAL OF PETITION FOR REVIVAL
(REQUEST FOR REFUND)

Dear Sir/Madam:

On or around April 11, 2003, a Pre-OG Notice was circulated by the United States Patent and Trademark Office (USPTO). The Pre-OG Notice provided suggested guidelines for complying with the provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv). Since then, the USPTO has issued a revised Pre-OG Notice, which clarifies the USPTO's interpretation of the provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv). The revised Pre-OG Notice supercedes the Pre-OG Notice of April 11, 2003.

As stated in the revised Pre-OG Notice of June 5, 2003, if an applicant makes a non-publication request under 35 U.S.C. § 122(b)(2)(B)(i) and then rescinds (pursuant to 35 U.S.C. § 122(b)(2)(B)(ii)) the non-publication request before or on the date a counterpart application is filed in an eighteen-month publication country, the non-publication request will be treated as annulled, and the application will be treated as if the non-publication request had never been made. Thus, when a rescission of the non-publication request is timely filed, no notice of foreign filing is required under 35 U.S.C. § 122(b)(2)(B)(iii).

In the above-identified application, a Petition for Revival was previously filed according to guidelines set forth in the Pre-OG Notice of April 11, 2003. Based on the clarified provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), the Petition for Revival is now unnecessary because the rescission of the non-publication request for the above-identified

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July 2, 2003

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application was timely filed before or on the date a counterpart application was filed in an eighteen-month publication country.

Hence, applicant respectfully requests that the previously filed Petition for Revival for the above-identified application be withdrawn. Moreover, in accordance with 37 C.F.R. § 26, applicant respectfully requests a refund for all petition fees paid. These petition fees were paid based on a USPTO mistake. The amount of the refund is \$650.00

The undersigned attorney respectfully requests that the refund be credited to our Deposit Account No. 02-2666, with an acknowledgement of the same mailed to the attorney listed below.

If there are any questions regarding this matter, please contact the undersigned attorney immediately.

Sincerely,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP


ROGER W. BLAKELY, JR.

RWB/mns